

C3
 Claim 1: An isolated nucleic acid molecule which encodes a T cell inducible factor which is a protein and which activates STAT3, the complementary sequence of which hybridizes, under stringent conditions defined as 65°C in a 3.5xSSC buffer, 0.02% Ficoll, 0.02% polyvinyl pyrrolidone, 0.02% bovine serum albumin, 25mM NaH₂PO₄ (pH7), 0.1% SDS, 2mM EDTA, followed by a final wash at 2xSSC room temperature, and 0.1xSSC/0.2% SDS at a temperature up to about 65°C, to at least one of SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 24 or SEQ ID NO: 25.

REMARKS

Claims 1, 3, 4, 7, 8, 10, 11, 14-16, 18, 19 and 50 are pending.

In their response to the restriction requirement, applicants elected Group III, and argued that Groups I and III should be joined. Applicants never presented any argument related to Group II. Further, they amended the claims to specifically exclude the subject matter of Group II.

Notwithstanding this, the office action states:

“(T)he examiner has agreed to join Groups I and II and to examine newly added claim 50.”

Applicants do not understand this statement, since the subject matter of Group II was cancelled, and was not put into issue in applicants’ response.

While applicants preserve their right to request that the action be vacated in view of this inconsistency, they respond herewith, and call upon the examiner to address this inconsistency in follow up communications.

The examiner has commented on the drawings; however, applicants cannot determine if there is an objection, rejection, or some other action by the examiner requiring a response. What does the examiner want applicants to do?

NOTE THAT IF THIS AMENDMENT IS DEEMED NON-RESPONSIVE DUE TO A FAILURE TO ADDRESS POINT 3, APPLICANTS WILL PETITION THE MATTER TO THE GROUP DIRECTOR.

The specification has been amended to address the points raised at 4A, 4C and 4D. Item 4B is not understood. Attached hereto is a copy of page 32 of the specification, with line 6 boxed. Applicants cannot find the error of which the examiner complains.